

*Electronically Filed on  
December 18, 2006*

JANET L. CHUBB, ESQ.  
Nevada State Bar No. 176  
LOUIS M. BUBALA III, ESQ.  
Nevada State Bar No. 8974  
JONES VARGAS  
100 W. Liberty St, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, NV 89504-0281  
Telephone: 775-786-5000  
Fax: 775-786-1177  
Email: [jlc@jonesvargas.com](mailto:jlc@jonesvargas.com)  
and [tbw@jonesvargas.com](mailto:tbw@jonesvargas.com)  
and [lbubala@jonesvargas.com](mailto:lbubala@jonesvargas.com)

**Attorneys for Objecting JV Creditors:**  
Charles B. Anderson Trust; Rita P. Anderson  
Trust; Baltes Company; Kehl Family Members;  
Judith L Fountain Irrevocable Trust Dated  
8/26/97; and Mojave Canyon, Inc.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

USA CAPITAL REALTY ADVISORS, LLC, Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC, Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

USA SECURITIES, LLC,  
Debtor.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

Chapter 11

**AMENDED JOINDER IN  
MEMORANDUM OF POINTS  
AND AUTHORITIES IN  
OPPOSITION TO  
CONFIRMATION OF DEBTORS'  
PLAN FILED BY DEBT  
ACQUISITION COMPANY OF  
AMERICA V, LLC  
(AFFECTS ALL DEBTORS)**

Hearing Date: December 19, 2006  
Hearing Time: 10:00 a.m.

The Objecting JV Creditors, Robert J. Kehl, Ruth Ann Kehl, Daniel J. Kehl, Kehl Development, Kevin Kehl, Kevin Kehl for Susan L. Kehl, Kevin Kehl for Andrew Kehl, Warren Hoffman Family Investments, LP, Judy A. Bonnet, Robert A. Kehl and Tina M. Kehl, Krystina L. Kehl, Patrick J. Anglin, Christina M. Kehl, Kevin McKee, Cynthia Winter, Warren Hoffman,

JONES VARGAS  
100 W. Liberty Street, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, Nevada 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

Charles B. Anderson Trust, Rita P. Anderson Trust, Baltes Company, Judith L Fountain Irrevocable Trust Dated 8/26/97, and Mojave Canyon Inc., by and through their counsel, Janet L. Chubb, Esq., and Louis M. Bubala III, Esq., of Jones Vargas, hereby incorporate, as if set forth herein, and join in the Memorandum of Points and Authorities in Opposition to Confirmation of Debtor's Plan filed on December 11, 2006, by Debt Acquisition Company of America V, LLC.

The Debtors prepared and sent out ballots for unremitted principal for some of the JV Objecting Creditors in the following amounts:

Robert J. Kehl and Ruth Ann Kehl	\$357,507.24
Robert J. Kehl and Ruth Ann Kehl	\$250,000.00
Kevin Kehl	\$ 3,494.91
Kevin Kehl	\$ 38,855.38
Kevin Kehl for Susan L. Kehl	\$ 2,590.36
Kevin Kehl for Andrew Kehl	\$ 2,590.36
Robert A. Kehl and Tina M. Kehl	\$103,614.37
Patrick J. Anglin	\$ 12,951.80
Christina M. Kehl	\$ 51,807.18
Christina M. Kehl	\$125,000.00
Warren Hoffman	\$ 64,118.31
Warren Hoffman Family Investments LP	\$ 64,118.31
Cynthia Winter	\$166,666.67
Mojave Canyon Inc.	<u>\$ 2,329.94</u>
Total:	\$1,246,964.83

DATED this 18<sup>th</sup> day of December, 2006.

JONES VARGAS

By: //s// Janet L. Chubb  
 JANET L. CHUBB, ESQ.  
 LOUIS M. BUBALA, ESQ.

Attorneys for Objecting JV Creditors

# CERTIFICATE OF SERVICE

1. We filed and served the following document(s) on December 18, 2006:

## **AMENDED JOINDER IN THE MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO CONFIRMATION OF DEBTOR'S PLAN FILED ON DECEMBER 11, 2006, BY DEBT ACQUISITION COMPANY OF AMERICA V, LLC**

2. Upon filing, I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

- MICHELLE L. ABRAMS mabrams@mabramslaw.com
- FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com
- NANCY L ALLF nallf@parsonsbehle.com,  
klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com
- FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov
- OGONNA M. ATAMOH oatamoh@nevadafirm.com,  
bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com
- KERIANN M ATENCIO ATENCIOK@GTLAW.COM
- BMC GROUP, INC. evrato@bmcgroup.com,  
ecf@bmcgroup.com;jmiller@bmcgroup.com;jbartlett@bmcgroup.com
- KELLY J. BRINKMAN kbrinkman@gouldpatterson.com
- THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com
- ANDREW M. BRUMBY abrumby@shutts-law.com, rhicks@shutts-  
law.com;lmackson@shutts-law.com
- MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-  
reynolds.com
- CANDACE C CARLYON ltreadway@sheacarlyon.com,  
ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rmsmith@sheacarlyon.c  
om
- ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com
- MICHAEL W. CHEN yvette@ccfirm.com
- KEVIN B. CHRISTENSEN kbchrislaw@aol.com
- JANET L. CHUBB tbw@jonesvargas.com
- JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com
- WILLIAM D COPE cope\_guerra@yahoo.com
- CICI CUNNINGHAM bankruptcy@rocgd.com
- LAUREL E. DAVIS bklsclv@lionelsawyer.com,  
ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com
- DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com
- THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM
- SCOTT D. FLEMING sfleming@halelane.com,  
dbergsing@halelane.com,ecfvegas@halelane.com
- GREGORY E GARMAN bankruptcyntices@gordonsilver.com
- WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com
- CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,  
Darlene.Ruckard@usdoj.gov;Eunice.Jones@usdoj.gov;Sue.Knight@usdoj.gov

JONES VARGAS  
 100 W. Liberty Street, 12<sup>th</sup> Floor  
 P.O. Box 281  
 Reno, Nevada 89504-0281  
 Tel: (775) 786-5000 Fax: (775) 786-1177

- 1 • GERALD M GORDON bankruptcynotices@gordonsilver.com
- 2 • R. VAUGHN GOURLEY vgourley@lvcm.com
- 3 • TALITHA B. GRAY bankruptcynotices@gordonsilver.com
- 4 • JAMES D. GREENE bknotice@schrecklaw.com
- 5 • MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com
- 6 • JEFFREY R. HALL jhall@sheacarlyon.com,  
bankruptcyfilings@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon  
7 .com;rmsmith@sheacarlyon.com
- 8 • XANNA R. HARDMAN xanna.hardman@gmail.com
- 9 • STEPHEN R HARRIS noticesbh&p@renolaw.biz
- 10 • JEFFREY L HARTMAN notices@bankruptcyreno.com
- 11 • BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com
- 12 • RANDOLPH L. HOWARD rhoward@klnevada.com,  
ckishi@klnevada.com;bankruptcy@klnevada.com
- 13 • DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net
- 14 • CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com
- 15 • EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com
- 16 • TY E. KEHOE TyKehoeLaw@aol.com
- 17 • ROBERT R. KINAS rkinas@swlaw.com, jlustig@swlaw.com;imccord@swlaw.com
- 18 • ZACHARIAH LARSON ecf@lslawnv.com
- 19 • JOHN J. LAXAGUE jlaxague@canecclark.com
- 20 • GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net
- 21 • NILE LEATHAM nleatham@klnevada.com,  
ckishi@klnevada.com;bankruptcy@klnevada.com
- 22 • ROBERT C. LEPOME rlepome@cox.net, smstanton@cox.net
- 23 • ANNE M. LORADITCH ecffilings@beckleylaw.com,  
aloraditch@beckleylaw.com;pkois@beckleylaw.com
- 24 • PATRICIA A. MARR jjllaw@leelaw.lvcoxmail.com,  
lvlaw03@yahoo.com;mark@leelaw.lvcoxmail.com
- 25 • JAMES C. MCCARROLL , dturetsky@reedsmith.com;aleonard@reedsmith.com
- 26 • REGINA M. MCCONNELL rmccconnell@kssattorneys.com
- 27 • WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com
- 28 • RICHARD MCKNIGHT mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;cburke@lawlasvegas.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com
- SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,  
smiller@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith  
h@sheacarlyon.com
- DAVID MINCIN mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;dmincin@lawlasvegas.com;cburke@lawlasvegas.com
- JOHN F MURTHA jmurtha@woodburnandwedge.com
- ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com
- VICTORIA L NELSON bkecf@nevadafirm.com,  
vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@  
nevadafirm.com
- BOB L. OLSON ecffilings@beckleylaw.com,  
bolson@beckleylaw.com;dgriffis@beckleylaw.com

JONES VARGAS  
 100 W. Liberty Street, 12<sup>th</sup> Floor  
 P.O. Box 281  
 Reno, Nevada 89504-0281  
 Tel: (775) 786-5000 Fax: (775) 786-1177

- DONNA M. OSBORN ebaker@marquisaurbach.com, dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurbach.com
- ANDREW M. PARLEN aparlen@stutman.com
- DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com
- PAUL C RAY info@johnpeterlee.com
- SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com
- LENARD E. SCHWARTZER bkfilings@s-mlaw.com
- JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com, ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com
- SHLOMO S. SHERMAN ssherman@sheacarlyon.com, aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com
- AMBRISH S. SIDHU ecf@lslawnv.com
- JEFFREY G. SLOANE gjklepel@yahoo.com, rmconnell@kssattorneys.com
- ALAN R SMITH mail@asmithlaw.com, turk@asmithlaw.com;marsh@asmithlaw.com;darby@asmithlaw.com
- DAVID A. STEPHENS dstephens@lvcm.com
- PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com
- JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com, David@sylvesterpolednak.com
- CARYN S. TIJSELING ctijsseling@beckleylaw.com, jblair@beckleylaw.com
- AMY N TIRRE atirre@kkbrf.com, lleverett@kkbrf.com
- U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov
- GREGORY J. WALCH GWalch@Nevadafirm.com
- RUSSELL S. WALKER rwalker@wklawpc.com, eloveridge@wklawpc.com;lboynton@wklawpc.com;ckirk@wklawpc.com
- WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com
- WILLIAM J. WRAY wjw@oreillylawgroup.com, rh@oreillylawgroup.com,bc@oreillylawgroup.com,lc@oreillylawgroup.com,ddh@oreillylawgroup.com,mr@oreillylawgroup.com
- JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com
- MATTHEW C. ZIRZOW bankruptcyntices@gordonsilver.com
- ANTHONY A. ZMAILA azmaila@nevadafirm.com, bkecf@nevadafirm.com;mbarnes@nevadafirm.com,paltstatt@nevadafirm.com

9 b. **United States mail, postage fully prepaid** (list persons and addresses):

9 c. **Personal Service** (list persons and addresses):  
 I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

